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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

ANNIE J. JOINER AND WILLIE E. JOINER

PLAINTIFF

V.

CIVIL ACTION NO.: 3:17CV061-MPM-JMV

PANOLA COUNTY COURTHOUSE BATESVILLE,
PANOLA COUNTY SHERIFF'S DEPARTMENT;
TVEPA BATESVILLE, MISSISSIPPI; AND
PANOLA COUNTY COURTHOUSE SARDIS

DEFENDANTS

NOTICE OF REMOVAL

TO: Melissa Meek-Phelps
Panola County Circuit Court Clerk
Second Judicial District
P. O. Box 346
Batesville, MS 38606

Willie Joiner
107 MLK Jr. Dr., Apt. 4-E
Batesville, MS 38606
Plaintiff Pro Se

R. Ryan Revere, Esq.
Smith Phillips Mitchell Scott & Nowak
P. O. Box 1586
Batesville, MS 38606
*Counsel for Tallahatchie Valley Electric
Power Association*

Annie Joiner
107 MLK Jr. Dr., Apt. 4-E
Batesville, MS 38606
Plaintiff Pro Se

Goodloe T. Lewis, esq.
Hickman Goza & Spragins, PLLC
Attorneys at Law
Post Office Drawer 668
Oxford, Mississippi 38655-0668
*Counsel for Mississippi Farm Bureau
Casualty Insurance Company*

YOU WILL PLEASE TAKE NOTICE that this Notice of Removal has been filed this day for and on behalf of Panola County, Mississippi, for and on behalf of the "Panola County" defendants named in the State Court Complaint as "Panola County Courthouse Batesville, Panola County Sheriff Department and Panola County Courthouse Sardis," in the United States District Court for the Northern District of Mississippi, Oxford Division. You are hereby served with a copy

of this Notice of Removal of said cause to the United States District Court from the Circuit Court of Panola County, Mississippi, Second Judicial District upon the grounds stated herein. Pursuant to said removal, you will proceed no further in said Circuit Court of Panola County, Mississippi, Second Judicial District, and you will be mindful of the provisions of Title 28 U.S.C. Section 1441, *et seq.* Please take notice hereof and govern yourselves accordingly.

As its short and plain statement of the grounds for removal of this civil action, the defendant would show unto the Court the following:

1.

There is now pending in the Circuit Court of Panola County, Mississippi, Second Judicial District, a certain civil action styled¹ by the Clerk of the Panola County Circuit Court as “*Annie J. Joiner and Willie E. Joiner v. Panola County Courthouse Batesville, Panola County Sheriff’s Department, TVEPA Batesville, Mississippi and Panola County Courthouse Sardis*,” bearing civil action number CV2017-45GCP2 on the docket of said Court. Said civil action is an action alleging the violation of the plaintiff’s civil rights under federal law. The time within which Panola County is required to plead, answer or otherwise respond to the Complaint has not yet expired, and the thirty-day period within which to file for and obtain removal of said civil action has not yet expired.

On March 31, 2017, plaintiffs filed an untitled pleading which purported to assert a claim against the State of Mississippi. Said filing also purports to dismiss “Panola County Courthouse Sardis” as a named party-defendant. On the same day, plaintiff filed Notices purportedly setting matters for hearing on April 10, 2017 before the Circuit Court of Panola County.

¹ See Exhibit 1-1, p.1, identifying the style of the case as determined by the Circuit Court Clerk.

2.

There is a federal question in this matter apparent from the face of plaintiff's Complaint which asserts causes of action created by federal law and pleads federally created rights. This court has jurisdiction of this matter pursuant to 28 U.S.C. § 1331. This Court has supplemental jurisdiction over any state law claims arising out of the same case or controversy pursuant to 28 U.S.C. § 1367(a), although there appear to be no state-law claims asserted.

3.

Pursuant to the provisions of Title 28 U.S.C. §§ 1331, 1367(a), and 1441, *et seq.*, this civil action is removable by Panola County.

4.

A certified copy of the entire court file in Civil Action No. CV2017-45GCP2 in the Circuit Court of Panola County, Mississippi, Second Judicial District is attached hereto as Exhibit "1-1."

5.

Mississippi Farm Bureau Casualty Insurance Company ("MSFB"), although not named in the State-Court Complaint as a defendant and although there is no claim to relief asserted against it in the State-Court Complaint, has been purportedly served with Summons and the State-Court Complaint. A Notice of Appearance of counsel has been entered on behalf of MSFB in the state court action. Out of an abundance of caution, and without admitting or acknowledging that they are a party to this matter at all, much less a proper party, MSFB's Joinder in this Notice of Removal is attached as Exhibit "1-2".

Tallahatchie Valley Electric Power Association ("TVEPA"), although not named in the State-Court Complaint as a defendant and although there is no claim to relief asserted against it in the

State-Court Complaint, has been purportedly served with Summons and the State-Court Complaint. Out of an abundance of caution, and without admitting or acknowledging that they are a party to this matter at all, much less a proper party, TVEPA's Joinder in this Notice of Removal is attached as Exhibit "1-3".

Therefore, all parties possibly required to join in this Notice of Removal have done so in compliance with 28 U.S.C. § 1446(b)(2).

6.

Panola County, upon the filing of this Notice of Removal, has given notice to Annie J. Joiner and Willie E. Joiner and Annie Joiner, *pro se* plaintiffs, of the filing of said Notice of Removal of said civil action, and simultaneously therewith, Panola County has filed a true and correct copy of the Notice of Removal with the Clerk of the Circuit Court of Panola County, Mississippi, Second Judicial District, together with the exhibits thereto, all in compliance with Title 28 U.S.C. § 1446(d).

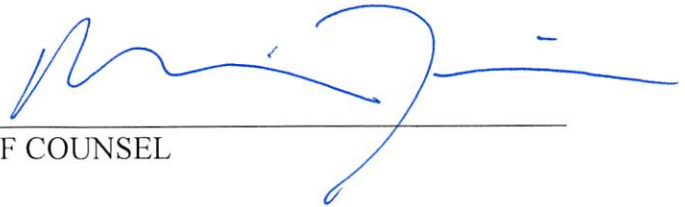
WHEREFORE, PREMISES CONSIDERED, Panola County, Mississippi, for and on behalf of the "Panola County" Defendants named in State Court Complaint as Panola County Courthouse Batesville, Panola County Sheriff's Department and Panola County Courthouse Sardis" prays that this Notice of Removal be received and filed, and that the said Circuit Court of Panola County, Mississippi, Second Judicial District, proceed no further herein. Panola County further prays for all necessary writs to bring before this Honorable Court all records and proceedings in the said Circuit Court of Panola County, Mississippi, Second Judicial District, and Panola County prays for such other, further, special and general relief as it is entitled to receive.

Respectfully submitted,

PANOLA COUNTY, MISSISSIPPI, FOR AND
BEHALF OF THE "PANOLA COUNTY"
DEFENDANTS NAMED IN THE STATE COURT
COMPLAINT AS "PANOLA COUNTY
COURTHOUSE BATESVILLE, PANOLA
COUNTY SHERIFF'S DEPARTMENT AND
PANOLA COUNTY COURTHOUSE SARDIS"

BY:

OF COUNSEL



MITCHELL O. DRISKELL, III - BAR # 100079
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265 NORTH LAMAR BOULEVARD, SUITE R
POST OFFICE BOX 1396
OXFORD, MS 38655-1396
(662) 232-8979
Counsel for Panola County, Mississippi

CERTIFICATE OF SERVICE

I, Mitchell O. Driskell, III, of counsel for Panola County, Mississippi, for and on behalf of the “Panola County” defendants named in the State Court Complaint as “Panola County Courthouse Batesville, Panola County Sheriff’s Department and Panola County Courthouse Sardis”, defendant herein, do hereby certify that I have this day filed the original of the above and foregoing Notice of Removal and exhibits thereto in the United States District Court for the Northern District of Mississippi, Oxford Division, and that upon filing of the original notice and exhibits thereto, I have served a true and correct copy of the said notice and exhibits on:

Willie Joiner, *pro se* plaintiff, by mailing to his address identified in the State Court Complaint, 107 MLK Jr. Dr., Apt. 4-E, Batesville, MS 38606;

Annie Joiner, *pro se* plaintiff, by mailing to her address identified in the State Court Complaint, 107 MLK Jr. Dr., Apt. 4-E, Batesville, MS 38606; and

Melissa Meek-Phelps, Circuit Clerk of Panola County, Second Judicial District, by mailing to her usual business address in Batesville, MS;

Goodloe T. Lewis, Esq., Counsel for MSFB, by hand-delivery to his usual business address in Oxford, MS; and

R. Ryan Revere, Esq., Counsel for Tallahatchie Valley Electric Power Association, by U.S. Mail to his usual business address in Batesville, Mississippi.

all effectuate the removal of a civil action styled by the Clerk of the Panola County Circuit Court as *Annie J. Joiner and Willie E. Joiner v. Panola County Courthouse Batesville, Panola County Sheriff’s Department, TVEPA Batesville, Mississippi and Panola County Courthouse Sardis*, bearing civil action number CV2017-45GCP2 on the docket of said Court, to the United States District Court for the Northern District of Mississippi, Oxford Division, pursuant to the statutes and rules in such cases made and provided.

WITNESS MY SIGNATURE hereto, this the 3rd day of April, 2017.



MITCHELL O. DRISKELL, III
Attorney for Panola County, for and on behalf
of the Panola County defendants named in the
State Court action